

REMARKS/ARGUMENTS

The claims are 1-7 and 9-13. Claim 1 has been amended and claim 8 has been canceled in favor of new claim 13 to better define the invention. Accordingly, claims 9 and 10, which previously depended on claim 8 have been amended to depend on claim 13. These claims and claims 2-7 and 11-12 have also been amended to improve their form. The specification has been amended to refer to smooth upper surface 1' with respect to FIGS. 2, 5, 6 and 11, and to make spelling changes. Support for the claims may be found, *inter alia*, in the disclosure at pages 5-6 and 8, and the original claims and drawings. Reconsideration is expressly requested.

The drawings were objected to under 37 C.F.R. 1.84(p)(5) as including reference numeral 1' in FIGS. 2, 5, 6 and 11, which is not mentioned in the description. In response, Applicant has amended the specification to refer to smooth upper surface 1' with respect to FIGS. 2, 5, 6 and 11. It is respectfully submitted that the foregoing amendments overcome the Examiner's objection to the drawings under 37 C.F.R. 1.84(p)(5), and Applicant respectfully requests that the objection on that basis

be withdrawn.

Claims 1-4 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by *Zagray U.S. Patent No. 2,655,032*. The remaining claims were rejected under 35 U.S.C. 103(a) as being unpatentable over *Zagray* alone (claims 5 and 7) or further in view of *Fontana U.S. Patent No. 4,023,767* (claims 8-12). Essentially the Examiner's position was that *Zagray* discloses the block set and method recited in the claims, except for features which are considered either within the skill in the art or taught by the secondary reference to *Fontana*.

This rejection is respectfully traversed.

As set forth in claim 1 as amended, and in new claim 13, Applicant's invention provides a block kit and a method for manufacturing concrete blocks for a block kit, in which the blocks are manufactured by forming a concrete block packet. The blocks are connected in a row and thereafter are separated from each other by a persussive action so that visible faces of each block have an identical surface roughness.

The primary reference to *Zagray* discloses a building block that is manufactured individually and not as a concrete block packet comprising a plurality of substantially prismatic concrete blocks connected in a row that are thereafter separated. Thus, the blocks of *Zagray* would not have an identical surface roughness caused by separating blocks. In fact, the top and bottom edges and ends of *Zagray's* bricks are ground, true and straight.

The defects and deficiencies of the primary reference to *Zagray* are nowhere remedied by the secondary reference to *Fontana*. In *Fontana*, the concrete blocks are manufactured as individual blocks or as double blocks. In the case of the individual blocks, the same deficiencies that appear in *Zagray* would result with *Fontana's* blocks. In the case of *Fontana's* double-blocks, one visible face is rough and the other visible face is smooth and therefore the visible faces of each block do not have an identical surface roughness as recited in Applicant's claims.

Applicant's blocks as recited in claim 1 as amended, and as produced by the method of manufacturing as recited in claim 13,

involve connecting the concrete blocks during manufacture in a row to form a concrete block packet so that rather than individual blocks being manufactured, a row of blocks which can be molded in a combination tool are made. After molding, the row of blocks within the combination tool the blocks are separated from each other by a percussive action. By such a splitting of the row, both visible faces of each block have the same surface roughness.

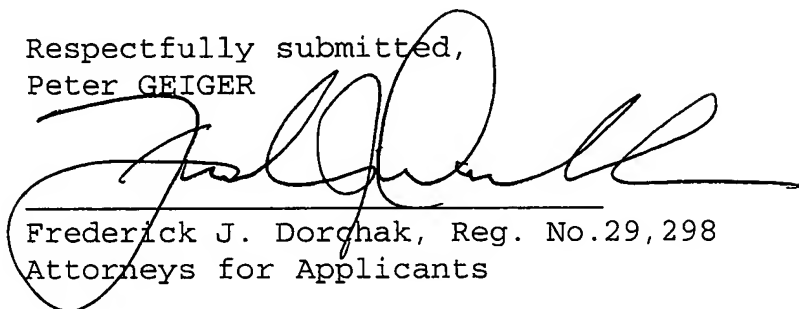
Moreover, Applicant's concrete blocks as recited in claim 1 as amended, and as produced by Applicant's method as recited in claim 13, can be assembled edgewise or reclined as shown in FIGS. 12 to 14. A reclined assembling of the blocks as shown in FIGS. 12 to 14 such as for assembling a corner joint, it is respectfully submitted, cannot be achieved by the blocks of Zagray or Fontana. With Applicant's blocks, a reclined assembling of the blocks is possible, which provides the advantage that the depression of the block could be used as a recess grip during assembling of a wall.

Accordingly, it is respectfully submitted that claim 1 as amended, and new claim 13, together with claims 2-7 and 9-12,

which depend directly or indirectly respectively thereon, are patentable over the cited references.

In summary, claims 1-7 and 9-12 have been amended, claim 8 has been canceled, and new claim 13 has been added. The specification has also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
Peter GEIGER

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A handwritten signature in black ink, reading "Amy Klein", is written over a horizontal line.

Amy Klein